REMARKS

Claim Status

Claims 1, 3-33, and 35-46 were pending. Claims 1, 3-33, and 35-46 were rejected. Claims 1,

5   3, 5, 10-22, 26, 28, and 23 are amended herein. Claims 4, 8-9, 23-25, 27, 29-32, and 35-46

are cancelled herein. No claim is newly added. No new matter is introduced. By this

Amendment, claims 1, 3, 5-7, 10-22, 26, 28, and 33 are pending.

10   *Regarding 35 U.S.C. § 102 Rejections*

Claims 1, 3-9, 11, 18, 22, 23-26, 29, 32, 33-41, 43, and 46 were rejected under 35 U.S.C. §

102(e) as being anticipated by Johnson et al. (U.S. Pat. No. 6,067,525, hereinafter referred to

as "Johnson"). The rejections are respectfully traversed. The traversal is collectively

discussed herein with respect to the only independent claim 1 as amended. Reconsideration is

15   particularly requested in view of the claim amendments presented herein and the following

remarks.

First, applicants would like to direct the Examiner's attention to the following case laws

related to claim interpretation.

20   "A claim is anticipated only if each and every element as set forth in the claim
           is found, either expressly or inherently described, in a single prior art
           reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,
           631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

25   "The identical invention must be shown in as complete detail as is contained
           in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9
           USPQ2d 1913, 1920 (Fed. Cir. 1989).

           The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d
30   831, 15 USPQ2d 1566 (Fed. Cir. 1990).

           Patent Examiners must rely on the applicant's disclosure to properly determine
           the meaning of terms used in the claims. Markman v. Westview Instruments,
           52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir.) (en banc), aff'd, U.S.,
35   116 S. Ct. 1384 (1996) (emphasis added).

An applicant is entitled to be his or her own lexicographer, and in many instances will provide an explicit definition for certain terms used in the claims. Where an explicit definition is provided by the applicant for a term, <u>that definition will control interpretation of the term as it is used in the claim</u>. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (emphasis added) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings.").

According to the above-cited case laws, for a 35 U.S.C. § 102 rejection to stand, the single applied prior art reference, as a whole, <u>must</u> teach an invention identical to what is claimed <u>and</u> in as complete detail as is recited in the claims. Moreover, claims must be given their broadest reasonable interpretation, not in a lexicographic vacuum, but in light of the supporting disclosure or as defined therein, if explicit definitions are provided.

As such, the Johnson patent is hereby categorically distinguished at least because Johnson does not teach or disclose, *inter alia*, "distributed computer system," "predictive model," "data enhancement information," "auxiliary data," "automated spider," "intenders," etc., as explicitly defined in the present application and particularly recited in the claims, especially the independent claim 1.

As discussed in the previous Reply, Johnson discloses a highly integrated expert system providing automated salesperson support. Johnson neither teaches nor anticipates a method of fishing information from the Internet to identify and select intenders who intend to make certain purchases in the near future. In addition, Johnson's *highly integrated expert system* <u>does not</u> and <u>cannot</u> anticipate a method embodied in a distributed system, such as the Internet. There are many foundationally, fundamentally, architecturally, and technologically distinct differences between an expert system and a distributed system. As a knowledgeable person in the art, the Examiner should have no problem recognizing these differences.

The amended claim 1 is recited below for the Examiner's convenience. Support for the amendments can be found in the specification as originally submitted and is indicated in the bracket following each step.

1. A computer-implemented method of automatically generating intender leads, comprising:

   a) determining appropriate purchase indicators that are leading indicators for desired near future purchases [page 7, line 18-27];

   b) locating, based on step a), one or more sources to search on the Internet [page 7, lines 27-32];

   c) obtaining said appropriate purchase indicators from said one or more sources via an automated spider tailored to access said one or more sources [page 8, lines 1-7];

   d) extracting prospect identifiers from purchase indicators obtained in step c), said prospect identifiers identifying prospects [page 8, 18-21];

   e) obtaining full contact information of each of said prospects [page 9, line 19];

   f) extracting auxiliary data from said purchase indicators via said automated spider [page 9, lines 8-13];

   g) obtaining data enhancement information including behavioral data, demographic data, and psychographic data [page 10, lines 1-3];

   h) applying a predictive model to said full contact information, said auxiliary data, and said data enhancement information to assess each of said prospects' likelihood of making said desired near future purchase, said predictive model is capable of predicting whether and what a seller is likely to buy in near future [page 10, lines 29-33]; and

   i) selecting intenders from said plurality of prospects based on step h), said intenders having a stated or likely intention of making said desired near future purchases according to said predictive model [page 5, lines 16-20; page 6, lines 24-25].

It is respectfully requested that the Examiner interpret the claim language in terms of the explicit definitions disclosed in the application.

Johnson does teach a "lead generation component **102**." However, first, Johnson neither differentiate nor explicitly define suspects, prospects, qualified prospects, intenders, and customers. On the contrary, Johnson **indiscriminately** refers to <u>ALL</u> potential customers as leads [col. 4, lines 21-40]. According to Johnson, sales personnel identifies these "leads" by way of telemarketing, kiosk presentations, trade show demonstrations, database marketing, electronic advertising, etc. [col. 4, lines 20-28]. According to the present invention, these "leads" would be "suspects" [page 1, lines 30-34]. Thus, the lead generation component **102** generates "suspect leads," but <u>not *intender* leads</u>. Logic dictates that <u>if Johnson does not distinguish "customers" from "suspects," "prospects," "qualified prospects," and "intenders,"</u> <u>Johnson would/could not have anticipated identifying and selecting *only* intender leads.</u>

Second, the lead generation component **102** *assists* sales personnel to identify leads, but does not, in and by itself, identify leads [col. 4, lines 20-21]. There is no enabling teaching in Johnson as to *how* the lead generation component **102** can automatically identify and select

5   intender leads from the Internet.

In finding the arguments filed on 08/01/03 not persuasive, the Examiner insisted that Johnson discloses "applying a predictive model to select intender leads from prospects." More specifically, the Examiner asserted that Johnson describes, in col. 33, line 60-col. 34, line 7, a

10   situation where

> "the determination of customers in the particular customer's geographic region who participate in the type of incentive program is made. This is done **by sending a letter in order to make offers to a specific customer**. In this case, the determination of customers in the geographic region represents the
15   selection of intender leads." (emphasis added).

This is not clearly understood. Johnson teaches "using an inference engine to select an appropriate course of action." The present application claims "applying a predictive model to select intenders from identified prospects." It appears that, on page 9 of the Office action, the

20   Examiner believes that Johnson's *inference engine* [col. 33, lines 60-col. 34, line 7, referring to an alternative embodiment shown in FIG. **22**] reads on the claimed predictive model.

However, on the next page (page 10), the Examiner seems to believe that the forecasting module **710** that is within the self management component **110** [col. 21, lines 30-39, referring

25   the embodiment shown in FIGS. **1** and **7**] *also* reads on to the claimed predictive model.

Actually, neither does. The inference engine and the forecasting module operate to provide different functionalities within Johnson's tightly integrated expert system. Neither is capable of predicting who is an intender, e.g., whether and what a seller will buy in the near future, as

30   specifically taught and particularly claimed in the present invention.

What Johnson's inference engine *selects* is not intenders but the best possible course of action. In the example given in Johnson and cited by the Examiner, the action is sending a

letter in order to **make offers to a specific customer**. Johnson's inference engine does not and cannot "select intenders from identified prospects."

As discussed before, Johnson neither define nor distinguish intenders from other potential customers. The selection of to whom the letter should be sent is NOT based on the result of applying a predictive model (a statistical technique) but is based on prior experience (stored knowledge/information of what their customers typically participate or reject) [col. 34, lines 1-13]. A predictive model uses various attributes including actual or predicted behavior of a prospect. Johnson's system uses facts related to an event [col. 34, lines 4-17].

Furthermore, there is no teaching in Johnson that these "customers" are *intenders* within the meaning of the present application. Neither "customers" nor "the prediction of the most successful course of action" should have read on to the specifically defined and particularly claimed "intenders."

On the other hand, the forecasting module seems to relate to the predictive model recited in claim 1. Contrary to the Examiner's assertion, however, Johnson's forecasting module does not represent the claimed predictive model because it does not select intender leads. The pertinent portion of Johnson cited by the Examiner is repeated below:

> "The forecasting module **710** provides *functional and product forecast information* to the salesperson related to sales, revenue, commission and profit *sorted by accounts or products identified in the sort criteria*. The forecasting capability provides information to the salesperson to enhance planning and prioritization of efforts." (emphasis added) [col. 21, lines 30-39].

Clearly, Johnson's forecasting module provides functional and product forecast information and not intenders selected from identified prospects. In general, forecasting is a different technology from predictive modeling. The forecasting module is not capable of predicting who is an intender, e.g., whether and what a seller will buy in the near future.

Given a fair reading of Johnson and the present application, especially comparing FIGS. **1** and **7** of Johnson and FIG. **2** of the present application, one of ordinary skill in the art would

have had no problem recognizing that, as a whole, Johnson's forecasting module **710** is patently distinct from the claimed predictive model. At the minimum, they receive different inputs and provide different outputs, respectively. Therefore, it would be a misinterpretation to apply the forecasting module of Johnson to the predictive model embodied in the present invention.

It is respectfully submitted that, perhaps it is because of misinterpretation that the Examiner did not find the arguments persuasive. For example, the Examiner also insisted that Johnson teaches "data enhancement" because "editing" is a form of data enhancement [page 11, Office action]. Accordingly, setting information to default and tagging both represent data enhancement [page 12, Office action].

Such a "common meaning" interpretation would be reasonable if the term "data enhancement information" was not explicitly defined in the application. The Examiner's attention is respectfully directed to page 10, lines 1-12, of the specification, a portion of which is recited below:

> "As used here, the term data enhancement information includes behavioral, demographic, and psychographic information."

Clearly, "editing" does not anticipate the claimed "data enhancement information." As discussed above, claims must not be construed in a lexicographic vacuum and must be interpreted in light of the support disclosure. Upon reading and understanding the present application, one of ordinary skill in the art would agree that the present invention as recited in claim 1 is patentably distinct from and not anticipated by Johnson.

Regarding 35 U.S.C. § 103 Rejections

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson and in view of Goldhaber et al. (U.S. Pat. No. 5,855,008, hereinafter referred to as "Goldhaber"). Claims 10, 27, and 42 were rejected under U.S.C. § 103(a) as being unpatentable over Johnson and in view of Walker et al. (U.S. Pat. No. 3,639,686, hereinafter referred to as "Walker"). Claims 12-14, 30-31, 44, and 45 were rejected under U.S.C. § 103(a) as being

unpatentable over Johnson alone. Claim 17 was rejected under U.S.C. § 103(a) as being unpatentable over Johnson in view of Lazarus et al. (U.S. Pat. No. 6,134,532, hereinafter referred to as "Lazarus").

5   It is respectfully submitted that many inventions seem obvious to others after they were made. It is rather easy to say "I could have done that" after someone else did do it. "Hindsight" is what teaches us to do – or not do - what someone has already done. It would be unfair to employ the inventor's creativity to find that it wasn't really such a great idea. The present invention has been successful because it combines "teachings" from disparate

10   areas of technology, e.g., marketing, data mining, predictive modeling, data enhancement, etc. But what motivated the inventor to make the combination? If Johnson or any of the secondary prior art references did not suggest trying such a combination, perhaps it wasn't so obvious after all.

15   The case law makes clear that a hindsight-based obviousness analysis must face rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.

> See, e.g., C.R. Bard, Inc. v. M3 Sys., Inc. (describing "teaching or suggestion or motivation [to combine]" as an "essential evidentiary component of an
20 > obviousness holding"); In re Rouffet ("the Board must identify specifically ... the reasons one of ordinary skill in the art would have been motivated to select the references and combine them"); In re Fritch (examiner can satisfy burden of obviousness in light of combination "only by showing some objective teaching [leading to the combination]"); In re Fine (evidence of teaching or
25 > suggestion "essential" to avoid hindsight); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc. (district court's conclusion of obviousness was error when it "did not elucidate any factual teachings, suggestions or incentives from this prior art that showed the propriety of combination"). See also Graham, 383 U.S. at 18 ("strict observance" of factual predicates to obviousness conclusion
30 > required). Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability - the essence of hindsight. ("The invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time.").

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> The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the

desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (emphasis in original.) Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Absent such a showing in the prior art, the Examiner has impermissibly used the applicant's teaching to hunt through the prior art for the claimed elements and combine them as claimed (see In re Vaeck, 947 F. 2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991); In re Bond, 910 F. 2d 831, 15 USPQ 2d 1566 (Fed. Cir. 1990); In re Laskowski, 871 F. 2d 115, 117, 10 USPQ 2d 1397, 1398 (Fed. Cir. 1989)). The use of hindsight is never permissible to establish obviousness.

It is respectfully submitted that none of the cited prior art teaches or suggests how to predict and select intenders from the Internet, as set forth in the claimed invention. This is supported by the fact that Johnson's expert system relies on a well structured data architecture. For example, Johnson's forecasting module **710** is tightly integrated with several other management modules within the self management component in *a relational data architecture* [col. 20, lines 30-35]. There is no enabling teaching as to how to handle semi-structured data from the Internet. The Office action did not articulate what would be the proper motivation, provided by Johnson or any of the cited prior art references, to substantially modify Johnson's expert system so that it implements an *intender* leads generation method embodied in a distributed computer system such as the Internet.

In rejecting claim 18, the Examiner cited Col. 4, lines 52-67, of Goldhaber, referring to estimating a consumer's likelihood to buy based on a profile or past consuming behavior. It does not encompass extracting consumer bids for actual products or services desired. It also does not make the link between "selling one item" and "propensity to buy another." The bidding here refers to a market for attention within a closed system, not products or services themselves. Goldhaber's system also envisions an active consumer participant in the attention brokerage system [*See,* col. 6, lines 50-65, for how a user creates their profile in the system, sets preferences, etc.] The present invention requires no such proactive behavior from the consumer. In view of the foregoing, therefore, even assuming Johnson and

Goldhaber could be properly combined, the resulting combination still would not suggest the invention as claimed.

In rejecting claims 10, 27, and 42, the Examine cited col. 3, lines 22-36, of Walker, describing sending an auxiliary audio/video signal and an FM subcarrier tone which instructs a television cut-in controller to switch to a pre-determined channel to view the auxiliary signal. This reference relates to remote machine control and is completely irrelevant to the claimed invention. This is a misinterpretation of the claim language as discussed above because the referenced "auxiliary signals" has nothing to do with the claimed "auxiliary data in semi-structured format extracted from the Internet by an automated spider."

In rejecting claims 12-14, 30, 31, 44 and 45, the Examine cited col. 4, lines 21-27, of Johnson. The referenced section merely lists a set of standard advertising and marketing techniques that can be used for conventional lead generation. The listed techniques include "telemarketing, kiosks, trade show demonstrations, database marketing, electronic advertising, etc." As discussed before, these conventional techniques in fact involve interaction with "suspects," which is a pool of potential customers who are likely to be interested in a given product or service but not necessarily *intend* to buy *in the near future* [Spec. page 1, lines 27-34].

As described in the present application, the pool of "suspects" is significantly and substantially larger than the pool of "intenders." As discussed above, Johnson does not define, identify, differentiate, or otherwise distinguish "intenders" from customers. All "suspects," "prospects," "identified prospects," "intenders," and "customers" are indiscriminately referred to in Johnson as "customers."

In rejecting claims 15, 16, and 19-21, the Examiner has taken Official notice that "it is old and well known in the art for a purchase indicator to comprise resumes, engagement/wedding announcements, birth announcements and obituaries." This is another misinterpretation of the claim language. These claim incorporate subject matter recited in claim 1. Thus, what is <u>not</u> old and <u>not</u> known in the art is *how these purchase indicators are gathered (via an*

automated spider from the Internet), processed (via predictive modeling and data enhancement, etc.), and delivered to an interested third party. That is, prior to the present invention, these purchase indicators have never been gathered en masse across a very fragmented distributed network, e.g., the Internet, and in a timely manner.

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In rejecting claim 17, the Examiner states,

> "It would have been obvious to one of ordinary skill in the art to <u>post requests
> for purchase recommendation</u> with the motivation of providing information
> about items being purchased thereby making it easier to determine potential
> leads." (emphasis added).

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This seems to be yet another misinterpretation of the claim language. This is <u>not</u> how the present invention works. The present invention mines the Internet discussion lists with existing posts from prospective buyers requesting purchase recommendations. It does not post requests for purchase recommendations.

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What is more, Lazarus discloses that a user's profile vector is configured to track observed behavior by using the content vector representation of the associated actions including <u>responding to ads which are public postings</u>. Again, this is irrelevant because the present invention <u>does not respond to any ads</u>, whether they are public postings or not. The public postings mined by the present invention are <u>not</u> responses to ads. They are <u>requests posted by prospects for purchase recommendations in a public discussion forum</u>. It is also important to note that, in the alleged combination of Johnson and Lazarus, this tracking feature would require that the user have Lazarus' tracking software. Contrastingly, the present invention does not require the user to take any such actions or use any special tracking software.

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Rebuttal to the Examiner's Arguments

a) On page 10 of the Office action, the Examine argues that Johnson describes the incorporation of future sales (from satisfied customers) into his invention in col. 4, lines 12-16. However, one of ordinary skill in the art would have readily agreed that the retention of known (satisfied) customers is different from identifying prospects that may have no prior relationship with the marketer.

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b) The Examiner further argues that Johnson teaches how partial information is augmented or matched. The cited col. 35, lines 3-12 teaches how to append information onto an existing profile contained within the system. However, it doesn't teach how a full profile is created from data elements mined from semi-structured text, including how to map limited identification information contained therein (phone number) to a full name/address/demographic profile.

c) The Examiner also claims that Johnson' system doesn't require direct interactions between the marketer and prospect. However, the cited passage col. 4, lines 28-43, does not teach or suggest how *intender* leads are identified or to be populated at all in the expert system without any interaction with the *prospects*. In fact, the bulk of the cited passage col. 4, lines 21-42, (other than the phrase "purchased database") relates to gathering data through interaction *with* the "customers" via telemarketing, kiosks, trade shows, ... etc.

d) On page 11 of the Office action, the Examiner stated that

> "lead generation component is disclosed, which is directed to pre-sales activities and is installed at various sites such as trade shows, kiosks, Internet web sites or electronic advertising."

However, this statement proves the applicants' point precisely. The "leads" that may result from the pre-sales activities are a direct result of *those* activities (i.e., interaction) between the customers and the sales personnel/expert system. The generation of *customer* leads only results from further customer-supplied activity or information. The "customer" is most definitely aware that this interaction has taken place. Col. 4, lines 21-27, of Johnson also describes this interaction.

e) The Examiner dismissed the argument that Johnson doesn't teach how prospects and their contact information are automatically identified. The Examiner cited col. 13, lines 7-16, of Johnson as the teaching. The referenced description of the customer module states that the customer data may be transferred from the self-management component. But it doesn't describe how "intender" leads are automatically identified and populated in the

system <u>in the first place</u>. The other passage (col. 4, lines 41-43) cites the creation of automated e-mailings to potential leads. It again does not teach how "prospect" and "intender lead" information is automatically discovered, extracted and loaded. Ultimately, the "customer" data are either entered by the sales rep into the system or

5   supplied by the customers.

f) The Examiner rejected the argument that Johnson only uses a history of interaction, citing the abstract lines 3-5 and col. 4, lines 54-57, as evidence that Johnson's system is used after a lead is identified. It is true that Johnson's system provides rudimentary sales

10   funnel management/sales force automation to manage leads once they are identified. However, the point we were making is that, in Johnson, identifying leads revolved around processing information in the system prior to the determination that they are leads (how else could it work on information not yet in the system?). Contrastingly, the present invention does not leverage on a prior history of interaction. It identifies an intender lead

15   regardless whether the prospect has previous or historical interactions with the marketer.

g) On page 12 of the Office action, the Examiner rejected the argument that Johnson does not identify the source of the data as classified advertising. The Examiner cites col. 4, lines 21-27, of Johnson, which discusses "electronic advertising." As stated before, the

20   "electronic advertising" described by Johnson is advertising *to a prospective buyer* with a goal of generating a lead. By comparison, the present invention <u>mines</u> the identity of a <u>seller</u> that placed a classified advertisement and <u>predicts</u> whether the seller is an intender.

h) The Examiner rejected the argument that Johnson does not disclose automatically

25   identify intender leads without interaction with them, mine them from external sources, or populate them in the system. The cited section, col. 4, lines 41-43, however, merely teaches that an automated e-mail can be initiated to potential leads, which is quite different from what is taught and claimed.

30 i) The Examiner rejected the argument that contact in Johnson is direct. However, there is no teaching in Johnson as to how "intender leads" are automatically generated and

populated in the system without interaction between the sales personnel/expert system and the "customers." The cited section, col. 4, lines 29-33, describes a kiosk in which "information such as names, addresses and product interests of potential customers is gathered." Thus, Johnson's system requires the <u>direct, conscious input</u> of the information

5   by the potential customer. The fact that the data can be saved for later use does not diminish the fact that it was collected through a direct interaction with the potential customer.

j)   The Examiner asserted that Wedding Help Line Page describes registrants (bride/grooms)

10   that have registered on this site. The fact that one site provides this data in a fragmented network does not teach or suggest how to mine resumes, engagement/wedding announcements, birth announcements, and obituaries automatically from a large number of heterogeneous Internet sources. Much of the text for marriage announcements, birth announcements in a standard newspaper are free form text, or semi-structured at best,

15   which would include only partial contact information. The present invention provides the teachings of how to extract useful information from these sources and how to develop the partial contact information into a full profile of the prospect.

Notwithstanding the technical issues and difficulties involved in mining a large amount

20   of free form and/or semi-structure data across a large number of heterogeneous sites in a very fragmented, distributed network, there are nuances to intender lead generation in these domains. For example, with resume/job changers it is not enough to know that certain job seekers have submitted their resumes. An e-mail validation that a job seeker has changed jobs (and work e-mail address) can be confirmed by transmitting a message

25   to the job hunter. If it is undeliverable for reasons related to a bad user-id (user not found), the job changer is assumed to have changed jobs. The present invention provides solutions to these issues [e.g., Spec. page 14, line 27, through page 16, line 33]. None of the cited prior art appear to address these issues.

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Conclusion

Johnson and the above-cited secondary prior art references, individually and in combination, do not teach or suggest the present invention as specifically taught in the present application and particularly set forth in the claims. What is lacking in Johnson, as well as in all alleged

5   combination therewith, is teachings that would enable one skilled in the art, at the time of the invention, to mine sources on the Internet, identify purchase indicators thereon, identify prospects contained therein, and apply a predictive model to select from those identified prospects, intenders who have a stated or likely intention to make certain desired purchases in the near future. Absent such teachings, it cannot be said that Johnson anticipates the claimed

10 invention and/or that the claimed invention would have been obvious in view of Johnson and others.

In view of the foregoing, it is respectfully submitted that the present invention is patentably distinct from, not anticipated by, and unobvious in view of Johnson and various

15 combinations alleged in the Office action. It is further respectfully submitted that independent claim 1, as amended, particularly recites subject matter not reached by the closest prior art of record under 35 USC §§ 102(e) and 103(a).

Accordingly, independent claim 1 is submitted to be patentable. Reliance is placed on *In re*

20 *Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) and *Ex parte* Kochan, 131 USPQ 204 (Bd. App. 1960) for the allowance of dependent claims 3, 5-7, 10-22, 26, 28, and 33, since they differ in scope from their parent independent claim 1, which is submitted to be patentable.

This Response/Amendment is submitted to be complete and proper in that it places the

25 present application in a condition for allowance without adding new matters. Favorable consideration and a Notice of Allowance of all pending claims are therefore earnestly solicited.

The Examiner is sincerely invited to telephone the undersigned at 650-331-8413 for any

30 clarification or discussing an Examiner's Amendment. Any suggested actions for

accelerating prosecution and moving the present application to allowance will be greatly appreciated.

Respectfully submitted,

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